

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

*Hudock et al. v. LG Electronics  
U.S.A., Inc. et al.*

This Document Relates To:  
All Actions

Lead Case No. 16-cv-1220 JRT-  
KMM

**DECLARATION OF DAVID M.  
CIALKOWSKI IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
CLASS CERTIFICATION**

I, David M. Cialkowski, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner at the firm of Zimmerman Reed LLP ("Zimmerman Reed"), one of the attorneys of record for Plaintiffs in the above-captioned matter. I submit this declaration in support of Plaintiffs' Motion for Class Certification and my request to be appointed class counsel, along with my co-counsel, Daniel Hedlund of Gustafson Gluek PLLC.

2. I am personally familiar with the facts set forth in this declaration. If called as a witness I could and would competently testify to the matters stated herein.

3. I certify the documents attached hereto and listed in **Schedule A**, below, are true and correct copies of the foregoing exhibits:

**Schedule A**

Exhibit 1	Expert Report den Boer (Filed Under Seal)
Exhibit 2	BBY0065523 (Filed Under Seal)
Exhibit 3	Gezella Transcript Excerpts (Filed Under Seal)
Exhibit 4	BBY0030908 (Filed Under Seal)
Exhibit 5	BBY0064508 (Filed Under Seal)
Exhibit 6	LGE0131144 (Filed Under Seal)
Exhibit 7	LGE0329814 (Filed Under Seal)
Exhibit 8	LG 30(b)(6) Transcript Excerpts (Filed Under Seal)
Exhibit 9	LGE0466578 (Filed Under Seal)
Exhibit 10	LGE0466580 (Filed Under Seal)
Exhibit 11	LGE0135515 (Filed Under Seal)
Exhibit 12	LGE0449573 (Filed Under Seal)
Exhibit 13	LGE0116153 (Filed Under Seal)

Exhibit 14	Calacci Transcript Excerpts (Filed Under Seal)
Exhibit 15	Nemecek Transcript Excerpts (Filed Under Seal)
Exhibit 16	LGE0465199
Exhibit 17	Spry Transcript Excerpts (Filed Under Seal)
Exhibit 18	Wolf Transcript Excerpts (Filed Under Seal)
Exhibit 19	Simonson Transcript Excerpts (Filed Under Seal)
Exhibit 20	BBY 30(b)(6) Transcript Excerpts (Filed Under Seal)
Exhibit 21	LGE0135117 (Filed Under Seal)
Exhibit 22	LGE0126487 (Filed Under Seal)
Exhibit 23	LGE0317213 Excerpt (Filed Under Seal)
Exhibit 24	LGE0280067 (Filed Under Seal)
Exhibit 25	LGE0416373 (Filed Under Seal)
Exhibit 26	LGE0468466 (Filed Under Seal)
Exhibit 27	LG Third Am. ROG Resp. (Apr. 23, 2019) (Filed Under Seal)

Exhibit 28	LGE0466407 (Filed Under Seal)
Exhibit 29	LGE0466408 (Filed Under Seal)
Exhibit 30	LGE0007300 (Filed Under Seal)
Exhibit 31	LGE0008110 (Filed Under Seal)
Exhibit 32	LGE0087214 (Filed Under Seal)
Exhibit 33	LGE0093199 (Filed Under Seal)
Exhibit 34	BBY0065417 (Filed Under Seal)
Exhibit 35	LGE0331892 (Filed Under Seal)
Exhibit 36	LGE0139759 (Filed Under Seal)
Exhibit 37	BBY0031722 (Filed Under Seal)
Exhibit 38	LGE0003515 (Filed Under Seal)
Exhibit 39	LGE0412105 (Filed Under Seal)
Exhibit 40	LGE0139329 (Filed Under Seal)

Exhibit 41	LGE0034469 (Filed Under Seal)
Exhibit 42	LGE0072756 (Filed Under Seal)
Exhibit 43	LGE0070986 (Filed Under Seal)
Exhibit 44	LGE0035120 (Filed Under Seal)
Exhibit 45	LGE0071626 (Filed Under Seal)
Exhibit 46	BBY0046436 (Filed Under Seal)
Exhibit 47	LGE0245954 (Filed Under Seal)
Exhibit 48	LGE0468062 (Filed Under Seal)
Exhibit 49	LGE0061503 (Filed Under Seal)
Exhibit 50	LGE0082048 (Filed Under Seal)
Exhibit 51	BBY0043773 (Filed Under Seal)
Exhibit 52	BBY0052210 (Filed Under Seal)
Exhibit 53	LGE0460927 (Filed Under Seal)

Exhibit 54	LGE0085489 (Filed Under Seal)
Exhibit 55	LGE0150502 (Filed Under Seal)
Exhibit 56	LGE0134043 (Filed Under Seal)
Exhibit 57	LGE0134044 (Filed Under Seal)
Exhibit 58	LGE0334132 (Filed Under Seal)
Exhibit 59	LGE0136212 (Filed Under Seal)
Exhibit 60	BBY0070641 (Filed Under Seal)
Exhibit 61	Loretucci Transcript Excerpts (Filed Under Seal)
Exhibit 62	LGE0056756 (Filed Under Seal)
Exhibit 63	LGE0060194 (Filed Under Seal)
Exhibit 64	BBY0065020 (Filed Under Seal)
Exhibit 65	BBY0030190 (Filed Under Seal)
Exhibit 66	BBY0063559 (Filed Under Seal)
Exhibit 67	LGE0060245 (Filed Under Seal)

Exhibit 68	LGE0085661 (Filed Under Seal)
Exhibit 69	LGE0019259 (Filed Under Seal)
Exhibit 70	LGE0138062 (Filed Under Seal)
Exhibit 71	BBY0060394 (Filed Under Seal)
Exhibit 72	LGE0441993 (Filed Under Seal)
Exhibit 73	LGE0030906 (Filed Under Seal)
Exhibit 74	LGE0020631 (Filed Under Seal)
Exhibit 75	LGE0139914 (Filed Under Seal)
Exhibit 76	LGE0139918 (Filed Under Seal)
Exhibit 77	LGE0139919 (Filed Under Seal)
Exhibit 78	LGE0139920 (Filed Under Seal)
Exhibit 79	LGE0132555 (Filed Under Seal)
Exhibit 80	BBY0065539 (Filed Under Seal)

Exhibit 81	Hudock Transcript Excerpts
Exhibit 82	Villa Lara Transcript Excerpts (Filed Under Seal)
Exhibit 83	Mannacio Transcript Excerpts
Exhibit 84	Fleishman Transcript Excerpts
Exhibit 85	Expert Report Weir (Filed Under Seal)
Exhibit 86	Expert Report Gaskin (Filed Under Seal)
Exhibit 87	50 State Chart: UDAP
Exhibit 88	50 State Chart: Unjust Enrichment
Exhibit 89	50 State Chart: Contract

4. Exhibits 5, 13, 48, 55, 57, 58, and 65 were produced as native files (*e.g.*, PowerPoint or Excel) and have been modified to include their respective confidentiality designations and bates number.

5. Exhibit 23 is an excerpt of the native Excel spreadsheet and contains only the “All Features” tab. It has been modified to include its confidentiality designation and bates number.

6. I am a partner of Zimmerman Reed and am a member in good standing of the State Bars of Illinois and Minnesota.

7. To date, I have been one of the primary attorneys representing the Plaintiffs in this case. I have worked closely with co-counsel Gustafson



Gluek PLLC, Hudock Law Group, S.C., and Turke & Straus LLP, in managing the litigation. My work, along with co-counsel, includes, but is not limited to: investigating the case theory and background facts; developing general legal strategy; developing the claims to be presented; drafting pleadings including the operative complaint; drafting motions; preparing for and attending court hearings; drafting discovery and taking depositions; working with expert witnesses; corresponding with opposing counsel; and assisting the Plaintiffs in responding to discovery and appearing for depositions.

8. I am a 1998 graduate of the University of Illinois College of Law in Champaign, Illinois. I have been a member in good standing of the State Bar of Minnesota since 2000 and the State Bar of Illinois since 1998. I am also admitted to practice before the following courts: United States District Court for the District of Minnesota and the United States District Court for the District of Illinois.

9. I started working at Zimmerman Reed as an associate attorney in 2001 and have been a partner at Zimmerman Reed since 2007. Since then, my practice has focused on serving as counsel in a variety of different types of class actions including, but not limited to, those involving consumer fraud and products liability.

10. I have never faced any discipline or received any sanction from a state bar association for misconduct or ethical violation.

11. Zimmerman Reed, with offices in Minneapolis, Minnesota, Los Angeles, California, and Scottsdale, Arizona, has extensive experience in the prosecution, trial and settlement of a broad range of class actions and other types of complex and mass tort litigation, as the attached firm resume shows. *See Exhibit 90*, filed concurrently herewith.

12. Zimmerman Reed attorneys hold weekly meetings (and bi-annual retreats) to discuss pertinent issues that arise in cases the firm files, including the case at Bar. I regularly participate in those meetings and discussions which provide me a fuller understanding of consumer fraud and product liability litigation and the disputes and legal issues that often arise in the course of litigating such claims. In addition, other attorneys at my firm contribute, advise, and assist my practice as needed depending on the particular case. This collaborative environment is why I believe Zimmerman Reed's skill and experience, as a firm, is also relevant to my declaration. A significant portion of our firm's practice is dedicated to protecting the rights of consumers against fraud and product liability.

13. I have been found to be qualified to serve as class counsel by other courts, and am qualified to serve as class counsel in this case. For example, I served as court-appointed co-lead class counsel in *In re Dockers*

*Roundtrip Airfare Promotion Sales Practices Litig.*, No. 09-cv-2847 (C.D. Cal.), as part of the co-lead counsel in *In re Target Corp. Customer Data Sec. Breach Litig.*, MDL No. 2552 (D. Minn.), and as a member of the Plaintiffs' Steering Committee in *In re Apple iPhone 3G and 3G-S "MMS" Mktg. & Sales Practices Litig.*, MDL No. 2116 (E.D. La.). I also served as a member of the team representing the Mississippi Attorney General's office in *Mississippi v. AU Optronics*, 134 S. Ct. 736 (2014), an antitrust and consumer fraud case involving LCD televisions.

14. Plaintiffs Breann Hudock, Ivan Villa Lara, Eugene Mannacio, and Brian Fleishman have been diligent in their roles as putative Class representatives; they have participated in the discovery process by collecting and producing documents and sitting for depositions. They have also been kept apprised of developments in the litigation by communicating with counsel on a regular basis.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 6th day of August, 2019, at Minneapolis, Minnesota.

/s/ David M. Cialkowski  
David M. Cialkowski